



SIGNED THIS 4th day of April, 2019

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.**



Rebecca B. Connelly
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

In re Katherine Marcellus
and
Gregory Marcellus
Debtors.

Case No. 17-60419

Chapter 13

.....
Shawn Adams, as Trustee in Liquidation
of Virginia Ceramic Coatings, LLC,

Movant

v.

Katherine Marcellus,
and
Gregory Marcellus,
Debtors

and

Patricia A. Mitchum,
Co-Debtor

and

Herbert L. Beskin,
Trustee

Respondents

ORDER MODIFYING CO-DEBTOR STAY

On the 28th day of March 2019 the debtors, by counsel, and Shawn Adams, as Trustee in Liquidation of Virginia Ceramic Coatings, LLC ("Virginia Ceramic Coatings"), by counsel, and the Chapter 13 Trustee, on the motion of Virginia Ceramic Coatings requesting this Court to modify the automatic stay of 11 U.S.C. § 1301 to allow Virginia Ceramic Coatings to exercise its rights under state law or other applicable non-bankruptcy law, and under a certain contract or contracts, as set out in the motion, and the court, having considered the motion, the arguments of counsel, all testimony presented, the entire record in this matter, the failure of the co-debtor to appear at the hearing, and the terms of 11 U. S. C. § 1301, is of the opinion to grant the motion.

Accordingly, it is hereby

ADJUDGED, ORDERED, and DECREED

that the automatic stay of 11 U. S. C. § 1301 be, and it hereby is, modified to permit Virginia Ceramic Coatings to exercise its rights under state law or other applicable non-bankruptcy law and under a certain contract or contracts more specifically identified in the motion, and specifically including to file an action against the co-debtor in state court to enforce those agreements against her.

The 14 day stay of Bankruptcy Rule 4001(a)(3) does not apply to this order, and Virginia Ceramic Coatings may proceed as described above immediately.

The Court's CM/ECF system will serve copies of this order on the parties hereto, and no further service is necessary.

**** END OF ORDER ****

I ASK FOR THIS:

/s/ Paul J. Feinman
Paul J. Feinman
Counsel for Shawn Adams, as Trustee
in Liquidation of Virginia Ceramic Coatings, LLC

SEEN:

/s/ Jacob W. Early
Jacob W. Early
Counsel for Debtors

/s/ Herbert L. Beskin
Herbert L. Beskin
Chapter 13 Trustee